

FACT SHEET

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Proposed Media Regulations

3261.5 Media Interviews and Facility Access

(a) The terms below are defined for the purposes of this section.

(1) "Representative of the news media" means a journalist who works for, or is under contract to, a newspaper, magazine, wire service, book publisher, or radio or television program, or station or who, through press passes issued by a governmental or police agency, or through similar convincing means, can demonstrate that he or she is a bona fide journalist engaged in the gathering of information for distribution to the public

(2) "Non-news media representatives" means individuals not included section 3261.5(a)(1), and may include editorial researchers, freelance writers, authors of books and independent film makers involved with the production of broadcast or print endeavors including, but not limited to, features, documentaries, commercials, and pilots for proposed news, or entertainment programs.

(b) Representatives of the news media shall be allowed to interview any inmate in person in accordance with the requirements of sections 3170 through 3176.3.

(c) Representatives of the news media who desire to conduct a prearranged interview of an inmate who meets the criteria under paragraph (1) shall make the request within a reasonable time period prior to the requested interview in writing to the institution head or to the Assistant Secretary, Office of Public and Employee Communications.

(1) Subdivision (c) shall not apply to any inmate convicted of a violent felony, as defined in Section 667.5 of the Penal Code; or any serious felony, as defined in Section 1192.7 of the Penal Code; or any offense which would require him or her to register as a sex offender pursuant to Section 290 of the Penal Code. In addition, an institution head may deny an interview with a particular prisoner if it is determined that the interview would pose a threat to the safety and security of the institution, or would cause harm a member of the public, including the victim of the inmate's crime. The institution head or the Assistant Secretary, Office of Public and Employee Communications, shall, within 48 hours of receiving an interview request, notify the news media representative making the request whether the interview has been granted.

(2) No inmate or parolee may have his or her visitation limited or revoked solely because of a visit or potential visit from a representative of the news media, nor may a prisoner or parolee be punished, reclassified,

disciplined, transferred to another prison against his or her wishes, or otherwise retaliated against, solely for participating in a visit by, or communicating with, a representative of the news media.

(3) During an interview conducted pursuant to this section, news media representatives shall be allowed to bring a reasonable amount of pens, pencils and paper into the facility. These items shall be searched to protect against an immediate and direct threat to the security of the institution.

(d) Inmate telephone calls to members of the media shall be allowed in accordance with section 3282 and may be recorded by the media representative with the inmate's consent.

(e) Except as required by section 3261.5(b), access by media representatives to department institutions, contract facilities and equipment requires prior approval of the institution head or the Assistant Secretary, Office of Public and Employee Communications. Upon receiving a request from a media representative, the institution head or the Assistant Secretary, Office of Public and Employee Communications, shall notify the news media representative within 48 hours whether the access has been granted.

(1) Non-news media representatives must provide proof of employment by a bona fide publication or production company, or have convincing evidence that such a company has contracted to purchase the completed project prior to approval.

(2) Non-news media requests for access to departmental facilities, on-duty staff or inmates shall include project and production details as necessary to determine security and operational impacts and shall be approved by the to the Assistant Secretary, Office of Public and Employee Communications.

(3) Non-news productions require a California Film Commission permit, along with evidence of financial responsibility and liability insurance of at least \$1 million indemnifying and defending the State of California, its offices, employees and agents against any lawsuits.

(f) Media representatives may be allowed access to security housing units and administrative segregation with the prior approval of the institution head.

(1) Access to condemned units, the execution chamber, and any secured area where lethal weapons are maintained requires the prior approval of the appropriate Director of the Adult or Juvenile operation.

(2) Except as required by section 3261.5(b), media representatives performing approved functions shall be under the direct supervision of the facility's Public Information Officer, or designee as determined by the institution head.

(3) The institution head may allow access to an area outside the secure perimeter of a facility to news media representatives.

(g) Media representatives may be permitted random face-to-face interviews with inmates or parolees housed in facilities under the jurisdiction of the department, and random or specific-person face-to-face interviews with staff. Such interviews shall be conducted as stipulated by the institution head, including restricting the time, place and duration of interviews, and size of technical crews.

(1) Random interviews of individuals involved in a specific activity or program, or encountered while covering a facility activity or event shall be limited to the time, areas and segments of the facility population designated by the institution head.

(h) Use of cameras or recording equipment shall require prior approval of the institution head or designee.

(1) Photographs, films or video recording of inmates shall be allowed in accordance with section 3261.7.

(i) The media representatives or their organization may be required to pay the security or escort costs provided for the interview.

(j) No inmate, parolee or staff shall be interviewed against their will.

(k) CDC Form 146, Inmate Declaration To News Media Contact, shall be completed whenever an inmate is the subject of a still, motion picture or other recording intended for use by a television or radio station, or newspaper, magazine or other publication.

(1) One employee shall witness the inmate's signature on the completed CDC Form 146.

(l) Inmates under the age of 18 years of age shall not be photographed, filmed or video recorded.

(m) An inmate may not receive compensation or anything of value for interviews with the news media.